

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility With Enhanced 911	)	
Emergency Calling Systems	)	
	)	
Amendment of Parts 2 and 25 to Implement	)	IB Docket No. 99-67
the Global Mobile Personal Communications	)	
by Satellite (GMPCS) Memorandum of	)	
Understanding and Arrangements; Petition of	)	
the National Telecommunications and	)	
Information Administration to Amend Part 25	)	
of the Commission's Rules to Establish	)	
Emissions Limits for Mobile and Portable	)	
Earth Stations Operating in the 1610-1660.5	)	
MHz Band	)	

**REPLY COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

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March 25, 2003

## **Summary**

Mobile Satellite Ventures Subsidiary LLC (“MSV”) continues to support the Commission’s call center proposal, which would require Mobile Satellite Service (“MSS”) providers that offer real-time, two-way, switched voice MSS that is interconnected with the public switched telephone network (“PSTN”) to route 9-1-1 calls of U.S. subscribers through an emergency call center at which an operator will ask for the caller’s location, phone number, and the nature of the emergency, and then forward the call to an appropriate public safety answering point (“PSAP”) or local emergency center. Comments filed in response to the Commission’s proposal support MSV’s view that it should be economically and technically feasible for any MSS provider to implement a call center approach.

Inmarsat stands alone among MSS providers as objecting to the call center proposal. MSV urges the Commission to reject Inmarsat’s attempt to exempt its services from any emergency services requirements whatsoever. Inmarsat offers no convincing reasons why its interconnected voice services should be treated differently than the interconnected voice services of any other MSS provider. At a time when homeland security is of critical importance in America, Inmarsat should not be exempt from providing this rudimentary form of emergency calling capability. MSV believes that all voice MSS customers, particular those in rural areas who rely on MSS as their only form of mobile voice communications, deserve some basic form of emergency calling capability, such as that provided under the Commission’s call center proposal.

In response to comments filed regarding the Commission’s call center proposal, MSV urges the Commission to (i) refrain from regulating call center answering protocols or adopting training requirements for operators; (ii) facilitate the formation of a nationwide database of PSAPs; (iii) clarify that call center requirements will apply to all voice MSS providers, including

resellers; (iv) exempt non-service-initialized phones from any 9-1-1 requirements, call center or otherwise; and (v) clarify that MSS providers may, but are not required, to provide emergency calling capability to customers that roam into the United States.

Finally, MSV urges the Commission to reject the misinformed arguments of the terrestrial wireless industry that the Commission should blindly apply terrestrial enhanced 9-1-1 requirements to MSS providers. Clearly motivated by anticompetitive animus rather than any regard for public safety, the terrestrial wireless industry fails to consider the unique aspects of MSS that make implementing enhanced 9-1-1 a far more difficult task for MSS providers than for terrestrial wireless providers. And, to the extent that terrestrial carriers argue that a continuing exemption from enhanced 9-1-1 requirements for MSS providers would violate the principle of competitive parity, the fact is that terrestrial wireless and MSS are not substitutes now and will not be substitutes even after MSS carriers implement ancillary terrestrial components (“ATC”). Thus, before the Commission adopts enhanced 9-1-1 requirements for MSS providers, MSV continues to urge the Commission to form an advisory committee of public safety representatives, MSS providers, equipment manufacturers, local exchange carriers, and other interested parties to assess whether and how MSS providers can implement enhanced 9-1-1.

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**REPLY COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC**

Mobile Satellite Ventures Subsidiary LLC ("MSV") hereby files these Reply Comments in the above-captioned proceeding in which the Commission is considering extending emergency call center, basic 9-1-1, and enhanced 9-1-1 requirements to Mobile Satellite Service ("MSS") providers.<sup>1</sup>

**Background**

In the above-captioned *Further Notice of Proposed Rulemaking* ("FNPRM"), the Commission recognizes that MSS providers cannot currently provide even basic 9-1-1 service and concludes that "emergency call centers would be an appropriate first step for satellite

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<sup>1</sup> *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 9-1-1 Emergency Calling Systems, Further Notice of Proposed Rulemaking*, CC Docket No. 94-102, IB Docket 99-67, FCC 02-326 (rel. December 20, 2002) ("FNPRM"). The Wireless Bureau extended the Reply Comment deadline to March 25, 2003. *See Public Notice, Wireless Bureau Extends Deadline for Filing Reply Comments*, DA 03-623 (March 5, 2003).

carriers.” *FNPRM* at ¶ 22. Under the Commission’s emergency call center proposal, MSS licensees that provide real-time, two-way, switched voice service that is interconnected with the public switched telephone network (“PSTN”) would establish one or more national call centers to which all subscriber emergency calls can be routed. *Id.* at ¶ 23

MSV, Globalstar USA LLC and Globalstar L.P. (collectively, “Globalstar”), and ICO Global Communications (Holdings) Limited (“ICO”) all support the Commission’s call center proposal.<sup>2</sup> As ICO explains, “a national call center approach will require only minor modifications to the MSS network and could be implemented using existing MSS handsets.” Comments of ICO at 2. Globalstar discusses how, like MSV, it already offers its subscribers emergency calling capability through a call center. Comments of Globalstar at 2.

Some commenters address issues relating to the implementation of MSS call centers. Intrado, Inc. (“Intrado”), a provider of 9-1-1 solutions for the wireless and wireline industries, argues that MSS call centers should be “staffed with call takers trained to respond to emergency calls.”<sup>3</sup> ICO states that it is unaware of any existing database of Public Safety Answering Points (“PSAPs”) that is reasonably accurate and complete and thus urges the Commission to designate a private entity to administer a centralized, national registry of PSAPs. Comments of ICO at 8. Similarly, Globalstar states that the Commission should establish a central database for PSAP information, which jurisdictions would update and MSS providers could use for routing emergency calls. Comments of Globalstar at 5-6. Stratos Mobile Networks, Inc. and Stratos

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<sup>2</sup> Comments of Mobile Satellite Ventures Subsidiary LLC, CC Docket No. 94-102, IB Docket No. 99-67, at 8 (February 19, 2003); Comments of Globalstar USA LLC and Globalstar L.P., CC Docket No. 94-102, IB Docket No. 99-67, at 3-4 (February 19, 2003); Comments of ICO Global Communications (Holdings) Limited, CC Docket No. 94-102, IB Docket No. 99-67, at 6-7 (February 19, 2003).

<sup>3</sup> Comments of Intrado Inc., CC Docket No. 94-102, IB Docket No. 99-67, at 8 (February 19, 2003).

Communications, Inc. (collectively, “Stratos”), an MSS provider that uses both the Inmarsat and MSV systems, argues that any 9-1-1 requirements the Commission adopts should apply only to MSS gateway operators and should not extend to MSS space station operators or MSS resellers. Comments of Stratos at 7-8. Globalstar explains that 9-1-1 requirements, call center or otherwise, should not apply to non-service-initialized MSS handsets. Comments of Globalstar at 15.

All MSS providers commenting express concerns with a requirement that MSS providers implement enhanced 9-1-1.<sup>4</sup> As MSV explains, due to the financial and technological infeasibility of implementing enhanced 9-1-1 for MSV’s current satellite system, as well as the lack of any demonstrated need by MSV’s current customers for enhanced 9-1-1, the Commission should continue to exempt MSV’s current-generation MSS system from any enhanced 9-1-1 requirements. Comments of MSV at 15-18. As for next-generation MSS systems, MSV urges the Commission to first form an advisory committee to address the technological and financial issues involved in implementing enhanced 9-1-1 for future MSS systems before adopting requirements for MSS enhanced 9-1-1. Comments of MSV at 18-22. ICO, Globalstar, and Stratos urge the Commission to refrain from requiring MSS providers to implement enhanced 9-1-1.<sup>5</sup> These MSS providers note that MSS is not competitive with terrestrial wireless and wireline services and that MSS customers do not expect to receive enhanced 9-1-1 service.<sup>6</sup> These providers also explain that it is not technically feasible for MSS providers to implement

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<sup>4</sup> Comments of MSV at 15-22; Comments of Globalstar at 8-11; Comments of ICO at 3-6, 8-10; Comments of Stratos at 4-5.

<sup>5</sup> Comments of Globalstar at 8-11; Comments of ICO at 3-6, 8-10; Comments of Stratos at 4-5.

<sup>6</sup> Comments of ICO at 4; Comments of Stratos at 3-4.

automatic location identification (“ALI”) and automatic number identification (“ANI”).<sup>7</sup> In addition, MSS providers discuss how the costs of implementing MSS enhanced 9-1-1 outweigh the benefits.<sup>8</sup>

Inmarsat Ventures PLC (“Inmarsat”) stands alone in objecting to the Commission’s call center proposal.<sup>9</sup> As an initial matter, Inmarsat argues that MSS fails the criteria the Commission proposes to use in assessing whether to require a particular service provider to offer basic or enhanced 9-1-1. Comments of Inmarsat at 6-7. Inmarsat argues that its service is not competitive with terrestrial wireless service and that its customers do not expect to receive 9-1-1 service. *Id.* Inmarsat notes that its terminals are not handheld, with the smallest terminal the size of a laptop, and that these terminals cost from \$2500 to \$8000. *Id.* at 6. Inmarsat also notes that airtime on its systems is offered at a rate of over \$2 per minute. *Id.* Inmarsat contends that only those MSS providers that market their services as an alternative to terrestrial wireless services or plan to integrate an ancillary terrestrial component (“ATC”) into their systems should be required to comply with 9-1-1 requirements. *Id.* at 7.

In addition, Inmarsat argues that it is not technically feasible for it to implement a call center because it does not have operational control of U.S. customers’ terminals. Comments of Inmarsat at 8. Rather, Inmarsat merely leases capacity to land earth station operators (“LESOs”) who in turn provide service to U.S. customers. *Id.* Inmarsat contends that its LESOs should not

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<sup>7</sup> Comments of MSV at 15-16; Comments of Globalstar at 6-11; Comments of ICO at 4-6; Comments of Stratos at 4.

<sup>8</sup> Comments of MSV at 16-17; Comments of ICO at 8-10; Comments of Stratos at 5-6.

<sup>9</sup> See Comments of Inmarsat Ventures PLC, CC Docket No. 94-102, IB Docket No. 99-67, at 3-9 (February 19, 2003). Stratos also argues that MSS providers do not meet the Commission’s general criteria for analyzing whether a particular class of service providers should be required to comply with basic or enhanced 9-1-1 requirements. Comments of Stratos at 2-4. It is not clear whether Stratos is also objecting to the Commission’s call center proposal.

be required to implement call centers either because the Inmarsat system cannot identify the location of a caller and, thus, a LESO would have to rely on the caller to identify his or her location. *Id.* at 8-9. In addition, Inmarsat notes that the cost of implementing a call center would have to be passed on to MSS consumers who, Inmarsat alleges, do not expect 9-1-1 service. *Id.* at 9. Finally, Inmarsat expresses concern that its LESOs will not be covered by the liability protection provisions of the Wireless Communications and Public Safety Act of 1999 (“9-1-1 Act”) because the Inmarsat system does not allow users to dial any three-digit code, including 9-1-1. *Id.* at 9.

For its new B-GAN service to be used with next-generation Inmarsat-4 satellites, Inmarsat states that it plans to route all traffic, including traffic between two points in the United States, through a gateway earth station located in Burum, Holland. Comments of Inmarsat at 10. Inmarsat does not mention any plans to address the national security, law enforcement, public safety, and privacy concerns of the United States Department of Justice (“DOJ”) and Federal Bureau of Investigation (“FBI”) when domestic communications are routed outside of the United States in the manner Inmarsat proposes.

Finally, representatives of the terrestrial wireless industry urge the Commission to apply identical enhanced 9-1-1 requirements on MSS providers that currently apply to terrestrial wireless providers.<sup>10</sup> Terrestrial wireless carriers contend that MSS carriers should be required to implement enhanced 9-1-1 because MSS is similar to terrestrial wireless service and because

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<sup>10</sup> Comments of AT&T Wireless Services Inc., CC Docket No. 94-102, IB Docket No. 99-67, at 2, 4 (February 19, 2003); Comments of Cellular Telecommunications and Internet Association, CC Docket No. 94-102, IB Docket No. 99-67, at 5-6 (February 19, 2003); Comments of Nextel Communications Inc., CC Docket No. 94-102, IB Docket No. 99-67, at 14 (February 19, 2003); Comments of Sprint Corporation, CC Docket No. 94-102, IB Docket No. 99-67, at 4 (February 19, 2003).

MSS consumers expect to receive enhanced 9-1-1 service.<sup>11</sup> In addition, they allege that a continuing exemption from enhanced 9-1-1 requirements for MSS providers would violate the principle of competitive parity.<sup>12</sup> They also argue that there is no reason to believe that the cost and difficulty of implementing enhanced 9-1-1 for MSS is any more difficult than for terrestrial carriers.<sup>13</sup>

## **Discussion**

### **I. THE COMMISSION SHOULD ADOPT ITS CALL CENTER PROPOSAL FOR REAL-TIME, TWO-WAY, SWITCHED, INTERCONNECTED VOICE MSS**

#### **A. All MSS Providers, Including Inmarsat Service Providers, Should Be Required to Implement Call Centers for Their Interconnected Voice MSS**

Inmarsat<sup>14</sup> was the only MSS provider to object to the Commission's proposal to require MSS operators to implement call centers. At a time when homeland security is of critical importance in America, Inmarsat should not be exempt from providing this rudimentary form of

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<sup>11</sup> Comments of AT&T Wireless at 2-3; Comments of CTIA at 2; Comments of Nextel at 14.

<sup>12</sup> Comments of AT&T Wireless at 3; Comments of Nextel at 14; Comments of Sprint at 4.

<sup>13</sup> Comments of AT&T Wireless at 4; Comments of CTIA at 6; Comments of Sprint 3-4.

<sup>14</sup> As an initial matter, MSV notes that Inmarsat's stated plan to route all B-GAN traffic, including purely domestic communications, used with its next-generation Inmarsat-4 satellites through a gateway in Burum, Holland deserves careful attention. Comments of Inmarsat at 10. The United States DOJ and the FBI consider arrangements whereby domestic communications are routed outside of the United States to present a host of national security, law enforcement, public safety, and privacy concerns. Inmarsat's planned arrangement should be subject to no less scrutiny than that applied to other similar arrangements. *See, e.g., Memorandum Opinion, Order, and Authorization*, 2001 FCC LEXIS 5317, FCC 01-272 (October 9, 2001) at Appendix E (attaching agreement between Stratos, DOJ, and FBI regarding Stratos's plans to route domestic communications outside of the United States); *Motient Services Inc., TMI Communications and Company, LP, and Mobile Satellite Ventures Subsidiary LLC, Order and Authorization*, 16 FCC Rcd 20469 (Nov. 21, 2001); *Applications of SatCom Systems, Inc., Order and Authorization*, 14 FCC Rcd 20798 (November 30, 1999).

emergency calling capability. As Inmarsat itself has explained, MSS provides critical voice services to rural and remote areas.<sup>15</sup> MSV believes that all voice MSS customers, particular those in rural areas who rely on MSS as their only form of mobile voice communications, deserve at least some basic form of emergency calling capability, such as that provided under the Commission's call center proposal.

Inmarsat's objections to the Commission's call center proposal are unavailing. While Inmarsat offers a litany of reasons for why its interconnected voice services should be treated differently than the interconnected voice services of all other voice MSS providers, the fact is that the interconnected voice services Inmarsat offers in the United States today are identical to those offered by MSV and other MSS providers. Like Inmarsat, MSV also provides interconnected voice services with high-per-minute rates and large, expensive laptop-size terminals.<sup>16</sup>

Inmarsat argues that its voice services should be not subject to call center or other 9-1-1 requirements because its voice services are not competitive with terrestrial wireless services and because MSS customers do not expect to receive 9-1-1 service. See Comments of Inmarsat at 6-7. MSV agrees that MSS is not competitive with terrestrial wireless service,<sup>17</sup> but disagrees with

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<sup>15</sup> Comments of Inmarsat Ventures PLC, IB Docket No. 01-185, at 4 (October 19, 2001) ("Inmarsat's service allows individuals to communicate with others regardless of whether they are at the top of a mountain, in a field, in the air, or in the middle of the ocean. Where no other communication service will reach and where weather or disasters preclude use of terrestrial networks, Inmarsat's MSS system provides a vital link for private and governmental users alike."); Reply Comments of Inmarsat Ventures, PLC, IB Docket No. 01-185, 2 (November 13, 2001) ("Inmarsat's satellite services include telephony . . . to end users where no terrestrially-based communication service will reach.").

<sup>16</sup> Comments of Inmarsat at 6; Comments of Mobile Satellite Ventures Subsidiary LLC, WT Docket No. 02-379, at 6 (January 27, 2003).

<sup>17</sup> Comments of Mobile Satellite Ventures Subsidiary LLC, WT Docket No. 02-379, at 6 (January 27, 2003).

Inmarsat's conclusion that voice MSS customers do not expect some form of emergency calling capability. Comments of Inmarsat at 9. While voice MSS customers do not expect enhanced 9-1-1 or even basic 9-1-1 service, they do expect some form of emergency calling capability. Given that MSV and Globalstar, two providers of voice MSS in the United States today, offer emergency calling capability for voice services through call centers, there is little doubt that voice MSS customers have come to expect at least some form of emergency calling capability.

Inmarsat argues that it cannot implement a call center because it merely leases satellite capacity to LESOs and does not have any relationships with end user customers. Comments of Inmarsat at 8. As MSV stated in its Comments, any call center or other 9-1-1 obligations should apply to those entities that provide interconnected voice MSS to end user customers and not to MSS space segment providers. Comments of MSV at 12-14. To the extent Inmarsat itself does not provide interconnected voice service to end user customers in the United States, then only those entities that use the Inmarsat system to provide interconnected voice service to end user customers, and not Inmarsat itself, should be bound by the call center requirement. As MSV explained its Comments, the ability of a provider of interconnected voice MSS that does not have its own gateway earth station to comply with a call center requirement is in large part dependent upon the capabilities of the MSS system it uses to provide voice service. Comments of MSV at 13-14. For example, MSV has enabled service providers that use its system for voice MSS and that do not have their own gateways to provide emergency calling capability by routing calls through MSV's Network Operations Center ("NOC") in Ottawa and providing these voice service providers with access to MSV's emergency call center when a customer dials 9-1-1. *Id.*

Inmarsat may also have to take certain measures, albeit minimal,<sup>18</sup> to ensure that voice MSS providers that use its system and that do not employ their own gateways can meet the Commission's call center requirement.

Inmarsat also argues that its service providers should not be required to implement call centers because the Inmarsat system cannot identify the location of a caller and, thus, a service provider would have to rely on the caller to identify his or her location. Comments of Inmarsat at 8-9. As the Commission clearly stated in the *FNPRM*, however, its call center proposal does not require an MSS system to be capable of identifying the location of a caller. *FNPRM* at ¶ 24. Rather, the *FNPRM* clearly specifies that a call center operator would ask for the caller's location, phone number, and the nature of the emergency, and then forward the call to the appropriate PSAP. *Id.* Under the Commission's call center proposal, there is absolutely no requirement that an MSS system be capable of identifying the location of an emergency caller. Indeed, MSV's current system does not have location identification capability yet it still provides a reliable means of access to emergency services through its call center. Comments of MSV at 3-4. Thus, the inability of the Inmarsat system to identify the location of a caller in no way precludes the use of call centers with the Inmarsat system.

Inmarsat also argues that the "costs" of implementing a call center approach to providing access to emergency services would have to be passed on to consumers. Comments of Inmarsat at 9. As MSV noted in its Comments, the "costs" of implementing a call center are minimal. Comments of MSV at 8. To implement a call center, an interconnected voice MSS provider would only need to employ and train operators to handle emergency calls and to purchase a license to a PSAP database. *Id.* It is hard to fathom Inmarsat's apparent view that the minimal

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<sup>18</sup> Comments of MSV at 8; Comments of ICO at 2.

costs of implementing an emergency call center outweigh the public interest benefits of affording voice MSS consumers access to emergency services.

Inmarsat also expresses concern that its LESOs will not be covered by the liability protection provisions of the 9-1-1 Act if they provide access to emergency services through a number other than 9-1-1. Comments of Inmarsat at 9. Neither Inmarsat nor its LESOs, however, explain why it is not technically possible for users of the Inmarsat system in the United States to dial 9-1-1 in order to access a call center. Indeed, in the *FNPRM*, the Commission acknowledged that all calls on the Inmarsat system require the caller to dial 8-7-0 first. *FNPRM* at ¶ 23. Nonetheless, the Commission concluded that:

Even if Inmarsat’s mobile terminals in a given country cannot make short code calls to emergency services in that country, *we do not see this as an impediment to using short code dialing to access a carrier’s own call center*. The ability of mobile earth terminals to access call centers by means of three digit dialing has been demonstrated by Globalstar and MSV. *FNPRM* at ¶ 23 (emphasis added).

Neither Inmarsat nor its LESOs rebut the Commission’s conclusion.

**B. MSS Providers Implementing ATC Should Not Be Treated Differently Than Non-ATC MSS Providers**

Inmarsat also argues that the Commission should distinguish between “traditional” MSS providers such as Inmarsat and those MSS providers that implement ATC and require only the latter to implement 9-1-1 capabilities. Comments of Inmarsat at 7. There is no rational basis for such a distinction. To extent a service provider offers a real-time, two-way, switched voice service that is interconnected with the PSTN, its customers will expect some form of emergency calling capability. While voice MSS customers do not expect enhanced or even basic 9-1-1, they expect and should receive some form of emergency calling capability. Whether an MSS provider deploys ATC or not is irrelevant to an MSS subscriber’s basic expectation that the

interconnected mobile voice service he is purchasing will afford him some form of access to emergency services.

**C. The Commission Should Not Regulate Call Centers**

Despite the claims of Intrado, there is no need for the Commission to mandate specific training for call center operators. Comments of Intrado at 8. As MSV noted in its Comments, its call center has worked effectively without any Commission regulation. Comments of MSV at 8-9. Other than mandating the emergency call centers themselves, the Commission should refrain from requiring special training of operators, dictating call center answering protocols, or exercising any other oversight with respect to how an MSS provider operates its emergency call center.

**D. The Commission Should Designate an Entity to Administer a Nationwide PSAP Database**

MSV agrees with ICO and Globalstar that the Commission should facilitate the establishment of a centralized, national registry of PSAPs.<sup>19</sup> While MSV believes that the commercially available PSAP database it uses for its call center is accurate and complete,<sup>20</sup> an official nationwide PSAP database will eliminate any uncertainty as to the reliability of commercially available PSAP databases.

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<sup>19</sup> See Comments of ICO at 8; *see also* Comments of Globalstar at 5-6 (“The Commission should establish a central database for PSAP information, which would be the responsibility of the jurisdictions to update so as to facilitate its use by MSS and other carriers.”); Comments of MSV at 10 (asking the Commission to facilitate the establishment of a nationwide PSAP database).

<sup>20</sup> As MSV noted in its Comments, its current PSAP database does not include information for the U.S. Virgin Islands or Puerto Rico, but MSV is working with its PSAP database vendor to determine if it is possible to include PSAP information for these jurisdictions in its database. Comments of MSV at 10 n.12. Globalstar, however, states that PSAP information for Puerto Rico and the Virgin Islands is not currently available. Comments of Globalstar at 5.

**E. 9-1-1 Requirements, Call Center or Otherwise, Should Apply to Voice MSS Providers, Including Resellers**

MSV disagrees with the position of Stratos that call center or any other 9-1-1 requirements should not apply to MSS resellers. *See* Comments of Stratos at 7. MSV believes that any 9-1-1 requirements should apply to those entities, including resellers, that provide interconnected voice MSS to end user customers. If the Commission's rules were to require wholesale providers of voice MSS to ensure that its resellers comply with 9-1-1 obligations, then wholesale voice MSS providers would be in the difficult position of having to monitor their resellers' compliance with the 9-1-1 rules and to enforce these rules.<sup>21</sup> As Sprint explains, "There is no basis in law for the Commission to impose on one telecommunications carrier the responsibility to ensure that another, unaffiliated telecommunications carrier . . . complies with FCC rules." Comments of Sprint at 7.

**F. 9-1-1 Requirements, Call Center or Otherwise, Should Not Apply to Non-Service-Initialized Handsets**

Terrestrial carriers are currently required to forward emergency calls to PSAPs from non-service-initialized handsets.<sup>22</sup> In its Comments, Globalstar notes that it cannot identify non-service-initialized handsets because they do not have a valid international mobile subscriber

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<sup>21</sup> To be sure, as MSV stated in its Comments, the ability of its service providers who do not have their own gateway earth stations, such as resellers, to comply with a call center requirement will be in large part dependent upon the capabilities of MSV's system and MSV's ability to facilitate its service providers' compliance with the rules. For those MSV service providers who buy wholesale voice services, MSV currently routes those calls through MSV's Ottawa NOC and provides its service providers with access to its emergency call center when a service provider's customer dials 9-1-1. MSV will continue this practice after the Commission adopts a call center requirement to ensure that its resellers are in compliance with the Commission's call center requirements. *See* Comments of MSV at 12-14.

<sup>22</sup> A "non-service-initialized" handset is a wireless mobile phone that is not registered for service with any Commercial Mobile Radio Service carrier. *See Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 17 FCC Rcd 8481, n.1 (April 29, 2002).

identify (“IMSI”). Comments of Globalstar at 15. Globalstar states that emergency calls from such handsets cannot be completed without significant software development in handsets and gateways. *Id.* Thus, Globalstar argues that 9-1-1 requirements, call center or otherwise, should not apply to non-service-initialized MSS handsets. *Id.* Like Globalstar, MSV is currently unable to identify non-service-initialized handsets absent significant costs. Thus, MSV supports Globalstar’s position that MSS providers should not be required to offer 9-1-1 service to non-service-initialized MSS handsets.

**G. The Commission Should Not Mandate that MSS Providers Offer Foreign Customers Roaming into the United States the Ability to Access Emergency Services**

In its Comments, Globalstar notes that it offers its non-U.S. subscribers who roam into the United States the ability to access emergency services by dialing 1-1-2 or some other emergency number with which the subscriber is familiar. Comments of Globalstar at 12. MSV requests that the Commission clarify that MSS providers are permitted, but not required, to offer emergency calling capability, call center or otherwise, to non-U.S. subscribers that roam into the United States. MSV notes that many countries do not require MSS providers to offer emergency calling capabilities. Thus, if a customer from a country that does not mandate MSS emergency calling were to roam into the United States, it is possible that the caller would not have the ability to dial 9-1-1 or some other number to reach a call center. In addition, because current MSS systems do not have location identification capability, it is impossible for an MSS provider to determine when a non-U.S. MSS customer has roamed into the United States. For these reasons, the Commission should clarify that call center and any other 9-1-1 requirements it may adopt will extend only to U.S. subscribers. The issue of whether roaming MSS subscribers should receive access to emergency calling services is better addressed in international fora, such as the International Telecommunication Union-Radiocommunication Bureau (“ITU-R”).

## **II. THE COMMISSION MUST CONSIDER THE UNIQUE ASPECTS OF MSS BEFORE REQUIRING VOICE MSS PROVIDERS TO IMPLEMENT ENHANCED 9-1-1**

Despite the claims of terrestrial wireless carriers, implementing enhanced 9-1-1 is a far more difficult task for MSS providers than for terrestrial wireless providers.<sup>23</sup> As MSV and other MSS providers demonstrated in their Comments, implementing enhanced 9-1-1 for MSS involves a number of unique issues that distinguish MSS enhanced 9-1-1 from terrestrial wireless enhanced 9-1-1: (i) MSS providers offer nationwide coverage but only have a local presence in the immediate areas surrounding their gateway earth stations; thus they lack the local presence necessary to coordinate with the several thousand PSAPs, local emergency centers, and multiple LECs throughout the country<sup>24</sup>; (ii) whereas interconnection between a terrestrial wireless carrier and the nearest PSAP is inherently local in nature, an MSS carrier would have to establish trunking arrangements from its one or two gateways to each 9-1-1 Selective Router serving a PSAP throughout the entire nation, an enormously costly undertaking that no MSS provider is likely to be able to afford<sup>25</sup>; (iii) Globalstar expresses concern as to whether GPS is a location identification solution for Big LEO handsets given that these handsets transmit in the band 1610-1626.5 MHz, which is immediately adjacent to the band where GPS receivers operate (1559-1610 MHz);<sup>26</sup> and (iv) whereas terrestrial wireless carriers currently have over 128 million

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<sup>23</sup> AT&T Wireless, for example, bluntly but wrongly states that “there is no evidence in the record . . . of administrative problems or technical difficulties that are significantly distinct from those faced by nationwide CMRS providers with respect to 911.” Comments of AT&T Wireless at 4.

<sup>24</sup> Comments of MSV at 20-21.

<sup>25</sup> Comments of MSV at 20-21; Comments of Globalstar at 7-8; Comments of ICO at 5.

<sup>26</sup> Comments of Globalstar at 9, 10-11.

subscribers,<sup>27</sup> which enable costs of enhanced 9-1-1 compliance to be spread over a large customer base, MSS providers collectively have customers numbering only in the hundreds of thousands, thus greatly increasing the per-subscriber costs for MSS providers to implement enhanced 9-1-1.<sup>28</sup> Thus, the Commission should dismiss the misinformed comments of the terrestrial wireless industry that argue for applying identical enhanced 9-1-1 requirements on MSS providers that currently apply to terrestrial wireless providers.<sup>29</sup> Clearly motivated by anticompetitive animus rather than any regard for public safety, the terrestrial wireless industry fails to give any consideration to the unique aspects of MSS that make implementing enhanced 9-1-1 a far more difficult task for MSS providers than for terrestrial wireless providers.

The Commission should similarly reject arguments that a continuing exemption from enhanced 9-1-1 requirements for MSS providers would violate the principle of competitive parity.<sup>30</sup> The fact is that terrestrial wireless and MSS carriers do not compete with each other.

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<sup>27</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services, Seventh Report*, 17 FCC Rcd 12985 (2002).

<sup>28</sup> Comments of Globalstar at 9-10; Comments of ICO at 8-10.

<sup>29</sup> Indeed, given the numerous requests for waivers of enhanced 9-1-1 compliance deadlines filed by terrestrial wireless carriers and the investigations conducted by the Commission into violations of enhanced 9-1-1 rules, it is quite ironic that the terrestrial wireless industry under the guise of promoting public safety now urges the Commission to apply similar requirements and deadlines to MSS providers. *See, e.g., AT&T Wireless Services, Inc., Order*, 17 FCC Rcd 19938 (October 9, 2002) (adopting consent decree after investigation into enhanced 9-1-1 violations by AT&T Wireless); *Cingular Wireless LLC, Order*, 17 FCC Rcd 8529 (May 09, 2002) (adopting consent decree after investigation into enhanced 9-1-1 violations by Cingular); *Request for Waiver by AT&T Wireless Services, Inc., Order*, CC Docket No. 94-102, 16 FCC Rcd 18253 (2001); *Cingular Waiver Order*, CC Docket No. 94-102, 16 FCC Rcd 18305 (2001); *Wireless E911 Phase II Implementation Plan of Nextel Communications, Inc., Order*, 24 CR 1125 (October 12, 2001); *Request for Waiver by Sprint Spectrum L.P. d/b/a Sprint PCS, Order*, 24 CR 1146 (October 12, 2001); *Request for Waiver by Verizon Wireless, Order*, 16 FCC Rcd 18364 (2001).

<sup>30</sup> Comments of AT&T Wireless at 3; Comments of Nextel at 14; Comments of Sprint at 4.

MSS customers currently pay hundreds or thousands of dollars for equipment as well as airtime charges of around a dollar a minute. In contrast, terrestrial mobile customers typically pay nothing for equipment and enjoy airtime charges that are often less than a tenth of those of MSS customers. In addition, current MSS end user equipment is large, often the size of a briefcase, whereas terrestrial mobile phones can fit comfortably in a shirt pocket. For these reasons, the current service offerings of MSV and other MSS providers cannot be considered competitive with or substitutes for terrestrial mobile services. Even those MSS providers who eventually implement ATC will be providing a unique service that does not compete directly with terrestrial wireless providers. The Commission recognized this in its *Order* authorizing ATC operations.<sup>31</sup>

Thus, for these reasons, rather than blindly applying terrestrial enhanced 9-1-1 requirements to MSS providers, MSV continues to advocate the formation of an advisory committee to assess whether and how MSS providers can implement enhanced 9-1-1 given the unique nature of MSS. *See* Comments of MSV at 18-22.

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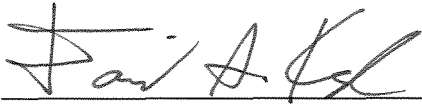
<sup>31</sup> *See Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands, Report and Order*, FCC 03-15, IB Docket No. 01-185, at ¶ 39 (February 10, 2003) (“terrestrial CMRS and MSS ATC are expected to have different prices, coverage, product acceptance and distribution; therefore, the two services appear, at best, to be imperfect substitutes for one another that would be operating in predominately different market segments”).

### **Conclusion**

For the reasons stated above, MSV requests that the Commission act consistently with the views expressed herein.

Respectfully submitted,

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Dated: March 25, 2003